

**PROPOSED AMENDMENT  
TO  
CALIFORNIA CODE OF REGULATIONS  
TITLE 14. NATURAL RESOURCES  
DIVISION 3. DEPARTMENT OF PARKS AND RECREATION  
CHAPTER 2. VEHICLES, BOATS, AIRCRAFT, HORSES, AND OPERATOR PROPELLED  
DEVICES**

§ 4351. ~~State Wilderness or Natural Preserve.~~

No person shall drive, operate, leave, place, land, taxi, takeoff or stop a motor vehicle, motorboat or aircraft within the boundaries of a ~~state wilderness or natural preserve.~~

Authority: Section 5003, Public Resources Code. Reference: Section 5001.8, Public Resources Code.

§ 4351.1 State Wilderness

(a) Except where it is necessary in an emergency involving the health and safety of persons within the wilderness area, there shall be no use of motorized vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 2,000 feet above the ground, no other form of mechanical transport, and no permanent structure or installation within any state wilderness; except to the extent the Director of the Department of Parks and Recreation, or his/her designee makes the following findings in writing ("Findings"):

i) the use of motorized vehicles, motorized equipment, or motorboats, the landing, hovering, or flying of aircraft lower than 2,000 feet above the ground, the use of any other form of mechanical transport, or the placement of a temporary structure or installation must be temporary and meet a minimum management requirement. A minimum management requirement is defined in AB 2945 as "the minimum wilderness management actions that are necessary to administer a wilderness for the purposes of this Chapter."

ii) the approach proposed to perform the minimum management requirement will make use of the "minimum tool" to best preserve wilderness values under the given circumstances. The "minimum tool" is defined as "the least intrusive tool, equipment, device, regulation, action, or practice that will achieve the minimum management requirements."

iii) the result of the work will be a condition as near as natural as possible and shall leave no permanent trace or permanent installation or structure.

(b) Upon making the Findings required in section 4351.1 (a), the Director may authorize officers, employees or agents of the Department of Parks and Recreation to occupy and use a particular state wilderness within the California State Park System on a case-by-case basis to conduct a minimum management requirement.

(c) Prior to the Director making the Findings, Department of Parks and Recreation staff shall make a recommendation to the Director on the proposed Findings. The recommendation shall provide sufficient background, analysis, data and research to allow the Director to fairly and objectively evaluate the material considerations for the Findings. The staff recommendation shall include:

(i) an analysis of whether a wilderness management need exists;

(ii) a description of the proposed minimum management requirement and the minimum tools to be used, including when, where and the time frame for the proposed action;

(iii) the alternative approaches considered, including a discussion of the pros and cons of the alternatives; and

(iv) any measures that minimize the effects of the proposed activities.

(d) The process set forth in California Code of Regulations section 4351.1 shall be used only to evaluate and arrive at a project description and a proposed action and shall not replace or supplant any required analysis under the California Environmental Quality Act (CEQA).

Authority: Assembly Bill 2945 (Chapter 689 of 2008), Section 5003, Public Resources Code.  
Reference: Section 5093.36 (b), Public Resources Code.